

REMARKS

Claims 1-16 are pending in the present application. Claims 6-8, 10-13, and 16 have been withdrawn from consideration. Claims 1, 9, and 14 have been amended to recite “a one-piece” surgical screw. Support for these amendments can be found in Figures 1a and 1e where the surgical screw is illustrated as being one-piece.

Claims 1-5 stand rejected as being allegedly anticipated by U.S. Patent No. 6,015,410 to Tormala (“Tormala”). Claims 1-5, 9 and 14 stand rejected under 35 USC 103(a) as being allegedly rendered obvious by U.S. Patent No. 5,167,664 to Hodorek (“Hodorek”) in view of U.S. Patent No. 6,666,868 to Fallin (“Fallin”). Applicants respectfully traverse these rejections.

Claims 1-5 are Not Anticipated by Tormala

Independent claims 1, 9 and 14 all recite a surgical screw having a head comprising a recess with “rounded lobes.” According to the Examiner, Tormala describes a surgical screw having a recess with rounded corners. Specifically, the Examiner states:

[i]t is noted that Figure 4b shows corners of the triangle with some degree of roundishness and this roundishness could be formed by a circle or oval located upon the triangle corners.

With all due respect, Applicants do not see this “degree of roundishness” in the recess of the surgical screw head of Tormala as pointed out by the Examiner. In the corresponding section of Tormala’s specification that describes Figure 4b, Tormala describes the recess as a “triangular notch” and there is no indication anywhere in Tormala that the angles of the triangles are “roundish.” As such, Applicants submit that Tormala does not teach or suggest a surgical screw having a head comprising a recess with “rounded lobes,” as recited by claims 1-5. For at least this reason, Applicants submit that claims 1-5 are not anticipated by Tormala and Applicants request withdrawal of this rejection.

Claims 1, 9, and 14 Are Not Rendered Obvious By Hodorek in view of Fallin

Claims 1, 9 and 14 have been amended to recite a "one-piece" surgical screw. Hodorek, in contrast, describes a two-piece surgical screw. There is no suggestion or motivation to modify the screw of Hodorek to be a one-piece surgical screw, since doing so would change the principle of operation of Hodorek. Specifically, the head and shaft of Hodorek's screw include a plurality of teeth that mutually engage to permit the head to shift relative to the shaft (See Abstract). If the head and shaft were one piece, the head and shaft could not move relative to each other. As such, Applicants submit that Hodorek does not teach or suggest a one-piece surgical screw. For at least this reason, Applicants submit that Hodorek does not render obvious claims 1, 9, and 14 (and all claims that depend therefrom) and Applicants request withdrawal of this rejection.

CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees are required in connection with the filing of this response, such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

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